

upward at an angle slightly askew of a vertical axis and functionally coupled to the window operator assembly and directed to detect an extended arm of a person when said arm is extended over said proximity sensor;

wherein the movable window member opens whenever said extended arm of said person is sensed by said proximity sensor.

2. (Four times amended) A fast-food service window comprising:

a window assembly with at least one movable window member;

a window operator assembly mechanically coupled to the movable window member;

a plurality of upwardly focused proximity sensors, each of said sensors comprising an emitter emitting radiation and a receiver receiving radiation from the emitter, said received radiation being reflected from an object being sensed, said sensors being focused upward at an angle that deviates from a vertical axis by not more than about 10° and functionally coupled to the window assembly to open the movable window in response to said proximity sensors.

3. (Thrice amended) A fast-food service window comprising:

a window assembly with at least one movable window member;

a window operator assembly mechanically coupled to the movable window member;

a upwardly focused infrared proximity sensor comprising an emitter emitting radiation and a receiver receiving radiation from the emitter, said received radiation being reflected from an object being sensed, said sensor being focused upward at an angle that deviates from a vertical axis by not more than about 10° and electrically coupled to the window operator assembly and directed to detect an extended arm of a person when said arm is extended over said proximity sensor;

wherein the movable window member opens whenever said extended arm of said person is sensed by said infrared proximity sensor.

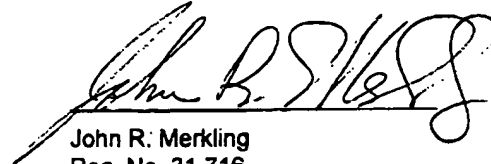
The examiner has also rejected the claims under 35 USC 112, first paragraph as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors had possession of the claimed invention. Applicants addressed this issue in their second appeal brief and incorporate those arguments herein.

To clarify the issues raised by the examiner, applicants propose alternative language in claim 1 and in new claims 18 and 19. The language of claim 1 is clearly supported by the disclosure. The language of claim 19 is clearly supported by the disclosure. Applicants maintain that the language of claim 18 and of claims 2 and 3 is supported by the disclosure and that a reasonable reading by one of skill in this mechanical art would lead to the same conclusion. Applicants respectfully traverse this rejection.

Applicants also point out that the patentability of claims dependent from claim 1 has been asserted heretofore. It is respectfully submitted that claims 12 through 16, although now dependent from newly amended claim 1, remain patentable for the additional reasons mentioned heretofore in connection with those claims.

In view of the above remarks and amendments, it is believed that the application, upon entry of the requested amendments, will be in condition for allowance and the Examiner's prompt action in accordance therewith is respectfully requested. If the examiner feels that a telephone conference would be helpful in advancing the prosecution of this case, the undersigned attorney urges the examiner to call him.

17 January 2003
Date


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